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May 21, 2010

RT2/09-298466R

Mr. Tom Dinell
E Noa Corporation
P.O. Box 235873
Honolulu, Hawaii 96823

Dear Mr. Dinell:

Subject: Honolulu High-Capacity Transit Corridor Project
Comments Received on the Draft Environmental Impact Statement

The U.S. Department of Transportation Federal Transit Administration (FTA) and the City and County of Honolulu Department of Transportation Services (DTS) issued a Draft Environmental Impact Statement (EIS) for the Honolulu High-Capacity Transit Corridor Project. This letter is in response to substantive comments received on the Draft EIS during the comment period, which concluded on February 6, 2009. The Final EIS identifies the Airport Alternative as the Project and is the focus of this document. The selection of the Airport Alternative as the Preferred Alternative was made by the City to comply with the National Environmental Policy Act (NEPA) regulations that state that the Final EIS shall identify the Preferred Alternative (23 CFR § 771.125 (a)(1)). This selection was based on consideration of the benefits of each alternative studied in the Draft EIS, public and agency comments on the Draft EIS, and City Council action under Resolution 08-261 identifying the Airport Alternative as the Project to be the focus of the Final EIS. The selection is described in Chapter 2 of the Final EIS. The Final EIS also includes additional information and analyses, as well as minor revisions to the Project that were made to address comments received from agencies and the public on the Draft EIS. The following paragraphs address comments regarding the above-referenced submittal:

In response to the "legal framework" section of your letter, we note that the quotation you provide of Circular 9300.1A is incomplete. The first paragraph on page 5 of your letter is the following quotation from Circular 9300.1A:

Accordingly, Federal transit law and the joint FHWA/FTA planning regulations direct special attention to the concerns of private transit providers in planning and project

development. Joint FHWA/FTA planning regulations specifically require that private transit providers, as well as other interested parties, be afforded an adequate opportunity to be involved in the early stages of the plan development and update process.

However, you inadvertently neglected to include the most important part of the above quotation. Here is the sentence that follows the above quotation, and the paragraph following it, from Circular 9300.1A:

*While FTA supports the participation of private transit providers in local mass transportation programs, **FTA no longer imposes prescriptive requirements for determining whether a grant applicant has made adequate efforts to integrate private enterprise in its transit program**, as explained in the FTA Federal Register Notice "Private Enterprise Participation," of April 26, 1994.*

FTA relies on the local planning process, which must comply with rigorous planning and private enterprise requirements, and the joint FHWA/FTA planning regulations.

To determine the adequacy of a grant applicant's efforts to incorporate private enterprise in its transit program, FTA monitors compliance with statutory and regulatory private enterprise requirements as part of the annual audits and the triennial reviews (discussed earlier) under the urbanized area formula program.

The above section directly addresses the issues you raised in your letter. First, the integration of private enterprise occurs during the local planning process. The FTA recommends that to be more involved in transportation planning or service delivery, private providers should: attend metropolitan planning organization (MPO) meetings, comment on the transportation improvement program (TIP), and participate in the statewide transportation improvement program (STIP). See Federal Transit Administration Private Enterprise Participation in Transportation Planning and Service Delivery, FTA, available at http://www.fta.dot.gov/laws/leg_reg_180.html (last viewed on Sept. 17, 2009). With regard to the environmental planning process, private transportation carriers were provided with the opportunity to become involved in the planning process during scoping meetings in 2007, and like other members of the public, could submit comments on the Project through the environmental review process.

Second, the Project recognizes relevant federal, state, and local laws applicable to the preparation of an EIS for the Project. The purpose of the Final EIS is described on Pages i through ii and throughout the Final EIS.

Third, although the Draft EIS demonstrates the effectiveness of the Project without specific reference to private transportation carriers, it does not preclude the possibility of public-private partnerships from occurring. Among other things, private transportation carriers may bid on the services to be offered by the Project. In addition, as stated in Section 2.5.6 of the Final EIS, in some cases, there will be room at stations for private tour buses. Section 3.2.6 of the Honolulu High-Capacity Transit Corridor Project Transportation Technical Report references privately owned transportation companies, including the Leeward Oahu Transportation Management Association (LOTMA) and the Mililani Shuttle. In response to your comment, we have placed additional references to private operators in Section 3.3.2 of the Final EIS. The text in the Final EIS now reads: "In addition to public transportation services described previously, various privately owned transportation companies offer transit or ridesharing services to the public, including LOTMA, the Mililani Trolley, and E Noa Corporation. LOTMA provides carpool

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matching, commuter express, and emergency ride home services in the Ewa and Central Oahu areas. E Noa Corporation operates a variety of services serving the Koko Head and Waianae ends of the corridor with connections to Downtown and tourist centers."

The FTA and DTS appreciate your interest in the Project. The Final EIS, a copy of which is included in the enclosed DVD, has been issued in conjunction with the distribution of this letter. Issuance of the Record of Decision under NEPA and acceptance of the Final EIS by the Governor of the State of Hawaii are the next anticipated actions and will conclude the environmental review process for this Project.

Very truly yours,

WAYNE Y. YOSHIOKA
Director

Enclosure